



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

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MCAS EL TORO  
SSIC NO. 5090.3.A

June 4, 1999

Mr. Joseph Joyce  
BRAC Environmental Coordinator  
AC/S Environment (1AU)  
MCAS El Toro  
P.O. Box 95001  
Santa Ana, CA 02709-5001

Re: Navy Request for Federal Facility Agreement Extension for Operable Units (OUs) 1 & 2A

Dear Mr. Joyce:

The United States Environmental Protection Agency (EPA) has received your letter dated May 28, 1999, requesting an additional 30 days to submit the draft final Proposed Plan for OUs 1 & 2A. The new due date would therefore be July 1, 1999.

The reason stated in your letter for another extension was that one of the negotiating parties, the Irvine Ranch Water District (IRWD), has proposed "significant changes" in the design and purpose of the Irvine Desalter Project and "would appear to affect both the technical and cost basis of the preferred alternative presented in the draft Proposed Plan". We also understand that the Navy has yet to receive a formal written proposal of the "new" alternative that the IRWD wishes to model. Furthermore, the submittal of the draft final Proposed Plan is linked to a settlement agreement with the IRWD and the Orange County Water District (OCWD).

EPA shares your concerns about not receiving any formal written proposal of the modelling effort as well as the timing of this new effort. We are also concerned that the modelling may take considerably longer than 30 days or even longer than 90 days as some people estimate.

EPA feels that it has stood on the "sidelines" long enough during the negotiations and we now need to be directly involved in the discussions. EPA is granting this 30 day extension on the understanding that we will be meeting with the negotiating parties this month to review the issues that have delayed agreement. We will also use this meeting to gauge whether there is a chance of successful resolution in a reasonable time frame. If we perceive that a signed agreement is unlikely, then we will likely ask the Navy to explore other remedial alternatives, including addressing the shallow on base contamination apart from the deeper off-base contamination.

In addition, prior to any further extension requests, we request that you submit a negotiation plan that contains a time line for reaching an agreement with the IRWD and the OCWD. The "Plan" should contain a time line for meetings and the measures that will be taken to reach a signed

agreement. This Plan and the outcome of the meeting this month between all the parties will have a direct impact on our ability to grant another extension.

We sincerely hope that an agreement is still possible; however, EPA and the negotiating parties must decide, soon, if an agreement will be signed.

Please call me at (415) 744-2210, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn R. Kistner". The signature is fluid and cursive, with the first name "Glenn" being more prominent than the last name "Kistner".

Glenn R. Kistner  
Remedial Project Manager  
Federal Facilities Cleanup Branch

cc: Patricia Hannon, RWQCB  
Gregory Hurley, RAB Co-Chair  
Tayseer Mahmoud, DTSC  
Polin Modanlou, LRA